

REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. Claim 7 is amended. New claims 23-30 are added. Applicant respectfully requests reconsideration of this application.

Applicant thanks the Examiner for the indication of allowable subject matter and for the following reasons, respectfully submits that all claims are allowable.

A clerical correction is made to claim 7 to address the Examiner's objection to that claim.

Applicant respectfully traverses the rejection of claims 1-2, 8, 10-11, 13-15 and 20 under 35 U.S.C. §102(b) as being anticipated by *Mehlert*. The *Mehlert* reference does not include a display that displays direction of movement of a conveyor and a variable, visible indication of maintenance information regarding the conveyor. At best, *Mehlert* discloses a visible indication of a direction of movement of the conveyor. Applicant's claims recite two separate indications and the Examiner cannot reasonably interpret the single display mode of the *Mehlert* reference as satisfying both of the indications from Applicant's claim 1 and 13.

The only display of a visible indication provided by *Mehlert* is one of direction or perhaps that an escalator has been stopped. The traffic light 36 and display 44 are not used for displaying maintenance information. The display 44 only shows a direction arrow or a horizontal line. The flashing lights 45 in the embodiment shown in Figure 6 of *Mehlert* do not constitute a display that could provide a visible indication of maintenance information. At best, a sequential operation of those flashing lights can be used to indicate a direction of motion of *Mehlert's* escalator 12. *Mehlert* includes only one display that only provides a visible indication of direction of movement, which is not used for maintenance information and neither of Applicant's independent claims 1 or 13 can be considered anticipated.

The control buttons 46 on the control panel 38 cannot be reasonably interpreted as displays of variable information because a pre-printed button label cannot be interpreted as a variable indication. Moreover, there is nothing in *Mehlert* that indicates anything about the buttons 46 on the control panel 38 that would suggest that they somehow provide a visible indication about maintenance information. Instead, those buttons are simply used to start, stop or change the direction of the escalator 12. It is not a reasonable interpretation of the reference to interpret the display 40, the flashing lights 45 or the buttons 46 as being a display that provides a

visible indication of maintenance information. None of Applicant's can be considered anticipated by the *Mehlert* reference.

Applicant respectfully traverses the rejection of claims 3, 12, 16 and 22 based upon the proposed combination of *Mehlert* and *Williams*. To begin with, the *Mehlert* reference does not teach what the Examiner contends as explained above. Further, there would be no benefit to adding the information from the monitor display 246 of *Williams* to the display of *Mehlert*, which is intended to display information for passengers. The type of information discussed in *Williams* is not useful to a passenger of an escalator and, therefore, would not be useful on *Mehlert's* display, which is described as being intended to convey information of interest to passengers. Without any benefit to making the proposed combination, there is no *prima facie* case of obviousness. The proposed combination of *Mehlert* and *Williams* cannot be made because it does not provide any benefit in the context of the *Mehlert* reference.

Applicant respectfully traverses the rejection of claims 9 and 21 under 35 U.S.C. §103 based upon the proposed combination of *Mehlert* and *Zaharia*. There is no *prima facie* case of obviousness. The transmitters in the *Zaharia* reference are intended to provide information to an escalator to take action responsive to activation of a safety device. Such information is of no use to the display of *Mehlert* because that display does not have any responsibility for controlling operation of the escalator. Therefore, the signals provided by the *Zaharia* transmitters do not have any reason to be sent to the display of *Mehlert* and, therefore, there is no benefit to making the proposed combination. Without any benefit, the combination cannot be made and there is no *prima facie* case of obviousness.

Applicant respectfully submits that new claims 23-27 are also allowable. In the Office Action, the Examiner rejected claims 9 and 21, which included a remote transmitter, under 35 U.S.C. §103 based upon the proposed combination of the *Mehlert* and *Zaharia* references. Applicant respectfully submits that such a combination would not establish a *prima facie* case of obviousness against any of claims 23-27 even if that combination could be made. Claims 23-27 each include a transmitter that allows for manually controlling the display. None of the transmitters in the *Zaharia* reference are described as allowing an individual to manually control a display. Therefore, even if that combination were made, there is no *prima facie* case of obviousness against these new claims because the combination does not result in the claimed arrangement.

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New claim 28 is allowable because it includes the display supported on a structure of the passenger conveyor. *Mehlert* expressly requires his display to be separate from the escalator. Therefore, *Mehlert* cannot anticipate claim 28 and cannot be used as a basis for a rejection under §103 because it is not possible to modify *Mehlert* in a manner that would go directly contrary to its express intended result, which is to keep *Mehlert's* display separate from the escalator. Claim 28 is allowable.

Claims 29 and 30 are allowable because each includes separate and distinct visible indications. Even if *Mehlert's* direction indication could be interpreted as providing maintenance information, there is nothing in the *Mehlert* reference that teaches or suggests the separate and distinct indications specifically recited in claims 29 and 30.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a telephone conference would be useful for moving this case forward to being issued, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Applicant believes that additional fees in the amount of \$400.00 are required for eight claims in excess of twenty. A Credit Card Payment form is enclosed. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that this Response, relative to Application Serial No. 10/550,927, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on June 11, 2007.


David Gaskey